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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,344	11/20/2001	Shawn R. Gettemy	PALM-3676	4295

7590 09/20/2006
WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/991,344	GETTEMY ET AL.	
	Examiner	Art Unit	
	LUN-YI LAO	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-11,15-19 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-11,15-19 and 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 5-6, 12-13 and 20-21 have been renumbered as claims 26-31 since a canceled claim can be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number. The original numbering of the claims must be preserved throughout the prosecution. When applicant cancels all of the claims in the original specification and adds a new set of claims, the claim listing must include all of the canceled claims with the status identifier (canceled) (the canceled claims may be aggregated into one statement). The new claims must be numbered consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not) in compliance with 37 CFR 1.126.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4, 8-11, 15-19 and 22-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to disclose "a control circuit operable to register said indication as an input to the electronic device at one of the first height and the second height and, wherein an input at the first height corresponds to the first display component activated by the control circuit, and wherein an input at the second height corresponds to the second display component activated by the second control circuit" as cited in claims 1, 11 and 19. The specification only disclose the control circuit(209) for changing the active display from device 212 to 211 when a stylus 415 is moved closed to the surface of the portable computer system(see figures 2, 4, 5A; page 19, lines 19-23; page 20, lines 1-1-4 and page 21, lines 13-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 8-11, 15-19 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nako et al(6,788,292) in view of Mese et al(5,396,443).

As to claims 1-4, 8-11, 15-19 and 23-25, Nako et al teach an input detection system comprising a first display component(e.g. 4B); a second display component(e.g. 4A) disposed above the first display component(4B) when a cover is in close position(see figures 9, 12, 19-20, 36, 38); a sensor(16, 25, 46, 76, 77) operable to detect an indication in proximity to the a surface of the electronic device(see figures 8-14, 18-39; column 8, lines 23-68 and column 9, lines 1-49); a control circuit(12, 22, 42) coupled to a sensor component(16, 25, 46, 76, 77) and operable to register the indication(close or open position) as an input to the electronic device at one of the first height(first position) and the second height(second position) and, wherein an input at the first height or second height to activate the first display component (4B) and the second display component(4A) by the control circuit(12, 22, 42)(see figures 8-14, 18-

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39; column 2, lines 65-68; column 3, lines 1-20; column 8, lines 23-68; column 9, lines 1-49; column 11, lines 52-68 and column 12, lines 1-58 and column 14, lines 29-65);

Nako et al fail to disclose a sensor for detecting an indication in proximity to but not contact with a surface of the electronic device.

Mese et al teach an input detecting system comprising a processor(501) and a sensor (102) coupled to a processor(501) for detecting an indication(e.g. finger or stylus) in proximity(approach or less than distance d(about 9 mm)) to but not in contact with the surface of the electronic device(display or tablet) and wherein the sensor(102) is to differentiate between a first height(e.g. greater than threshold value; e.g. d) and a second height(e.g, 8 mm) of the indication(e.g. finger or stylus)(see figures 1-2, 5-7; column 4, lines 41-44 and column 10, lines 7-54) above the display and cause the control circuit, in response to the differentiating, to active display component(see figures 1, 2, 5-9; column 3, lines 58-68; column 4, lines 1-55; column 10, lines 3-68; columns 11 and column 12, lines 1-65). It would have been obvious to have modified Nako with the teaching of Mese et al, so the touch panel could not easy to get damage.

As to claim 2, Mese et al teach a capacitive sensor(see figures 7-9; column 11, lines 17-36; column 12, lines 66-68 and column 13, lines 1-12).

As to claim 4, Mese et al teach an inductive sensor(see figures 6-9; column 10, lines 3-68; column 11, lines 1-51; column 12, lines 12-68 and column 13, lines 1-23).

As to claims 8, 9, 15-16, and 23-24, Nako et al teach a sensor(46) having a threshold(switch) for sensing a cover being closed or open(see figures 19-22; column 3, lines 12-20; column 11, lines 53-68 and column 12, lines 1-57).

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As to claims 10, 17 and 25, Nako et al teach a second sensor(15 or 16 or 25) coupled a second display(4A) (see figures 9, 10, 12; column 9, lines 20-25 and column 10, lines 25-33).

6. Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nako et al(6,788,292) in view of Mese et al(5,396,443) and Saw et al(6,445,574).

Nako et al as modified fail to disclose a cover having transparency to viewing of a display.

Saw et al teach the cover is in a closed position and is fully transparent to permit viewing the first display component when the cover is in a closed position(see figures 1-2; column 1, lines 48-65; column 2, lines 53-68 and column 3, lines 1-20). It would have been obvious to have modified Nako et al as modified with the teaching of Saw et al, so a user could view a display panel when the cover is in a close position(see column 1, lines 33-35).

Response to Arguments

7. Applicant's arguments with respect to claims 1-4, 8-11, 15-19 and 22-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nicolas et al(6,924,791) teach a system for automatic power-up and automatic power-down of a computer system based on the position and/or rotation of an associated stylus and/or hinge.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

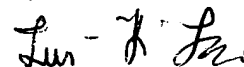
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 15, 2006

A handwritten signature in black ink, appearing to read 'Lun-yi Lao'.

Lun-yi Lao
Primary Examiner